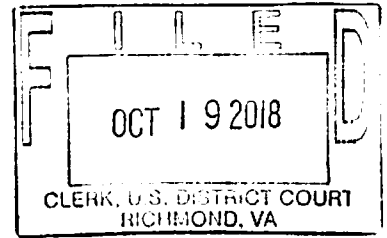


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



OSCAR COBB,

Plaintiff,

v.

Civil Action No. 3:16CV703

ARMOUR CORRECTIONAL HEALTH SERVICES, *et al.*,

Defendants.

MEMORANDUM OPINION

Oscar Cobb, a Virginia inmate proceeding *pro se*, submitted this civil action. (ECF No. 1.) On February 2, 2018, the Virginia Department of Corrections submitted a Suggestion of Death, notifying the Court that Mr. Cobb is deceased. (ECF No. 44, at 1.) On April 19, 2018, the Court directed the Defendants to serve their Joint Suggestion of Death on Mr. Cobb's personal representative and to notify the Court when such service is complete. (ECF No. 53.) On July 5, 2018, Defendants served Ms. Carolyn Cobb Barr, Mr. Cobb's personal representative, with the Joint Suggestion of Death. (ECF No. 58-1.)

Federal Rule of Civil Procedure 25(a)(1) provides:

If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.

Fed. R. Civ. P. 25. More than 90 days have elapsed since Mr. Cobb's personal representative was served with the Joint Suggestion of Death. No motion for substitution has been filed with the Court. Accordingly, the action will be DISMISSED.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 10/19/18
Richmond, Virginia

John A. Gibney, Jr.
United States District Judge